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STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

June 4, 2010

Blake L. Atkins
Chief, Drinking Water Section
United States Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Mail Code: 6WQ
Dallas, Texas 75202-2733

Re: Stage 2 Disinfection By-Products Rule
Long-Term 2 Enhanced Surface Water Treatment Rule
Ground Water Rule

Dear Mr. Atkins:

On May 13, 2010, the Oklahoma Department of Environmental Quality (ODEQ) received your letter dated May 11, 2010 (copy attached), as a follow up to our meeting of April 28, 2010. This meeting focused on the workload challenges faced by both ODEQ and EPA in the implementation of the Stage 2 Disinfection By-Products Rule (Stage 2), the Long-Term 2 Enhanced Surface Water Treatment Rule (LT2), and the Ground Water Rule (GWR). Before going into any of the details from this meeting, I would like to echo your sentiments and thank you and your staff for travelling to Oklahoma City to meet with ODEQ to discuss these complicated issues.

Your letter provided a comprehensive summary of the issues related to the implementation of these three drinking water rules. As we agreed in the meeting, it seems that the workload associated by LT2 is the most straightforward. Once the *Cryptosporidium* monitoring is completed in July 2011, continued implementation of the LT2 requirements should not be too onerous. Kay Coffey of my staff will continue to coordinate closely with Mark McCasland of your staff during the early implementation period and until such time as DEQ is in a position to assume primacy for the implementation of LT2.

Related to Stage 2, a significant discussion was held centering on the monitoring schedule included in a number of the initial distribution system evaluation (IDSE) reports prepared by your staff. As stated in your May 11, 2010, letter, we agreed to a strategy to correct any discrepancies in monitoring frequencies during the eventual assumption of ODEQ primacy for Stage 2 implementation.

As we agreed in our meeting, ODEQ will stand ready to support EPA's efforts in GWR implementation and will exercise our existing authority to address *E. coli* positive well samples. We will await the monitoring results during the summer months to evaluate the additional workload related to triggered monitoring.

Blake L. Atkins
U.S. EPA – Region 6
June 4, 2010
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Your letter concluded with a list of ODEQ action items related to these three rules. In response to item 1, David Pruitt, Environmental Programs Manager, Compliance Tracking Group, Water Quality Division, ODEQ, sent you an email on May 18, 2010. This email contained two attachments that explained the procedures and timelines related to the ODEQ rule making process. Related to item 3, ODEQ will provide to EPA, whenever available, system maps for IDSE-exempt water systems to aid in Stage 2 implementation.

Items 2, 4, and 5 related to the rule making efforts ODEQ will need to undertake in order to adopt LT2, Stage 2, and GWR, respectively, and assume primacy for implementation of these three rules. As discussed in our April 28, 2010, meeting, ODEQ will make every effort to initiate the rule making process to coincide with the 2011 legislative session. This would allow rule adoption by July 2011 and allow ODEQ to assume primacy for rule implementation in 2012, as previously discussed. As we discussed in our May 25, 2010, telephone conversation, a bill was under consideration in the Oklahoma legislature this session that would have affected the rule making process for ODEQ and all other state agencies. The legislature adjourned last week without taking final action on this bill, but ODEQ will monitor legislative action during the 2011 session and will continue to keep EPA apprised of any new changes to our rule making process, as appropriate.

I believe we both fully appreciate the resource constraints facing both agencies. ODEQ is fully committed to cooperating with you and your staff in any way feasible to help implement the public health protections provided by LT2, Stage 2, and GWR until such time as ODEQ is positioned to assume this full workload. I look forward to further collaboration in this area. Please feel free to contact me at (405) 702-8182 to discuss these matters or write to me at the letterhead address.

Sincerely,



Patrick Rosch, P.E., Engineering Manager
Enforcement Group
Water Quality Division

Enclosure: As stated.

PR/SCM/TW/md DP/KC

cc: Miguel Flores, Director, Water Quality Protection Division, U.S. EPA – Region 6
William K. Honker, P.E., Deputy Director, Water Quality Protection Division, U.S. EPA
– Region 6